



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: JUNE 12, 2006

*III.3.*  
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-03  
2440 DUKE PLACE

DATE: JUNE 1, 2006

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

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## **DESCRIPTION**

The applicant is requesting approval of a variance to encroach 10 feet into the required 20-foot front setback for a single-story addition to an existing single-family residence due to unusual lot shape.

## **APPLICANT**

Jirka Batlik is the property owner and applicant for this project.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

**PLANNING APPLICATION SUMMARY**

Location: 2440 Duke Place Application: PA-06-03

Request: Variance to encroach 10 feet into the required 20-foot front setback for a single-story addition to an existing single-family residence.

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone:	<u>R1</u>	North:	<u>Surrounding properties</u>
General Plan:	<u>Low Density Residential</u>	South:	<u>are all R1</u>
Lot Dimensions:	<u>Irregular</u>	East:	<u>zoned and</u>
Lot Area:	<u>9,028 sq.ft.</u>	West:	<u>developed.</u>
Existing Development:	<u>Two-story, single-family residence with an attached 2-car garage.</u>		

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
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Density:		
Zone	1 du/6,000 sq.ft.	1/9,028 sq.ft.
General Plan	1 du/5,445 sq.ft.	
Lot Size:	6,000 sq.ft.	9,028 sq.ft.
Lot Width:	50 ft.	Approximately 116 ft.
Building Coverage:		
Building	NA	30% (2,696 sq.ft.)
Paving	NA	5% (440 sq.ft.)
Open Space	40% (3,611 sq.ft.)	65% (5,892 sq.ft.)
TOTAL	100%	100%
Building Height:	2 stories/27 ft.	2 stories/19 ft.
Setbacks:		
Front	20 ft.	10 ft.*
Side (left/right)	5 ft./5 ft.	9 ft./9 ft.
Rear (1 <sup>st</sup> floor/2 <sup>nd</sup> floor)	10 ft./20 ft.	19 ft./77 ft.
Parking:		
Garage	2	2**
Open	2	0
TOTAL	4	2**
Driveway Length:	19 ft.	16 ft.**

CEQA Status Exempt-Class 1

Final Action Planning Staff

\* Variance requested.

\*\* Existing nonconforming garage dimensions and driveway length.

**PROJECT DESCRIPTION**

The subject property is located near the end of a cul-de-sac and is zoned R1 (Single-Family Residential) with a General Plan designation of Low Density Residential. It contains a two-story, single-family residence with an attached two-car garage. The applicant requests approval of a variance to encroach 10 feet into the required 20-foot front setback for a 359 square-foot addition to the first floor. The 2-bedroom addition will result in a total of 6 bedrooms in the residence.

**ANALYSIS*****Variance Request***

It is staff's opinion that special circumstances applicable to the property exist to justify approval of a front setback variance for the proposed two-bedroom addition. Specifically, the lot is uniquely shaped with greater width than depth (compared to typical R1 lots that are deeper versus wider). The location of the existing residence and pool also limits alternatives for an addition. The proposed addition is located on the right side of the residence within the side yard area and adjoins the side property line of the lot to the south. It is staff's opinion that the proposed 10-foot setback for the single-story addition is consistent with the side setback for the adjacent property to the south. Approval of the variance would not negatively impact surrounding properties or constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity.

***Other Issues***

During review of the plans and background research of the property, staff found that alterations to the residence have been made without City approval. A second floor was permitted above the garage as an integral part of the single-family residence without a kitchen. However, per the plans submitted by the applicant, the first floor between the garage and the main entry has been altered to provide additional floor area and a separate entry. The second floor plan also shows a kitchen that was not permitted. Code Enforcement has been made aware and is currently pursuing this matter. The property owner will be required to submit plans and obtain Planning and Building Division approval to revert the structure to a single-family residence. A condition has been included requiring that this issue be resolved prior to permit issuance for the proposed addition. Since the proposed addition will result in a total of 6 bedrooms in the residence and the existing staircase is not well integrated into the first floor configuration, staff is also recommending a condition requiring recordation of a land use restriction to provide notice to future owners that no portion of the residence may be converted to or used as a second dwelling unit.

**GENERAL PLAN CONFORMITY**

The property has a general plan designation of Low Density Residential. Under this designation one dwelling unit is allowed on the subject property. The proposed

addition, subject to conditions of approval, is part of a single-family residence and therefore is consistent with the use and density allowed by the City's General Plan.

### **ALTERNATIVES**

1. If the application is approved, it would allow a 10-foot encroachment into the required 20-foot front setback for a 359 square-foot, single-story addition to the residence.
2. If the application is denied, the applicant could not submit substantially the same request for six months.

### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

### **CONCLUSION**

It is staff's opinion that the requested front setback variance can be justified due to the unique lot shape and its unusually wide frontage and relatively shallow depth. The proposed addition is on the side yard area and adjoins the side property line of the property to the south. The proposed single-story addition would not negatively impact the surrounding properties and approval of the variance would not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity.

Attachments:      Draft Planning Commission Resolution  
                          Exhibit "A" - Draft Findings  
                          Exhibit "B" - Draft Conditions of Approval  
                          Applicant's Project Description and Justification  
                          Zoning/Location Map  
                          Plans

cc:      Deputy City Mgr.-Dev. Svs. Director  
             Sr. Deputy City Attorney  
             City Engineer  
             Fire Protection Analyst  
             Staff (4)  
             File (2)

Jirka Batlik  
 2440 Duke Place  
 Costa Mesa, CA 92626

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**RESOLUTION NO. PC-06-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-06-03**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by owner of property, Jirka Batlik, with respect to the real property located at 2440 Duke Place, requesting approval of a variance to encroach 10 feet into the required 20-foot front setback for a single-story addition to an existing single-family residence in the R1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 12, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-06-03 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-06-03 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 12<sup>th</sup> day of June, 2006.**

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Bill Perkins, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 12, 2006, by the following votes:

AYES:       COMMISSIONERS

NOES:       COMMISSIONERS

ABSENT:     COMMISSIONERS

ABSTAIN:    COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"****FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  - c. The project is consistent with the General Plan since the property has a general plan designation of Low Density Residential. Under this designation one dwelling unit is allowed on the subject property. The proposed addition, subject to conditions of approval, is part of a single-family residence and therefore is consistent with the use and density allowed by the City's General Plan.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property exist to justify approval of the variance from the front setback requirement. Specifically, the lot is uniquely shaped with an unusually wide street frontage and relatively shallow depth. The strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications. The deviation granted does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng.
1. All new and existing construction shall be architecturally compatible with regard to building materials, style, colors, etc. with the existing structure. Plans submitted for plan check shall reflect how architectural compatibility will be accomplished.
  2. Plans to revert the structure to a single-family residence (i.e. deletion of "mudroom" and second entry into the residence, increase garage depth adjacent to the staircase, provide wide opening to integrate "office" and staircase to the rest of the house, removal of kitchen on the second floor) shall be submitted for Planning and Building staff approval. Obtain necessary permits and complete restoration prior to permit issuance for the proposed addition. This condition shall be completed under the direction of the Planning Division.
  3. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the issuance of building permits, to inform future property owners that no portion of the residence shall be converted to or used as a second dwelling unit. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
  4. The conditions of approval and summary of code requirements and special district requirements of Planning Application PA-06-03 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  5. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  6. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.



PLANNING DIVISION - CITY OF COSTA MESA  
DESCRIPTION/JUSTIFICATION

Application #: PA-06-03

Environmental Determination:

Address: 2440 Ruckliff

1. Fully describe your request:

10' SET BACK - FOR ROOM ADDITION ON  
SIDE OF EXISTING HOUSE.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

THE SHAPE OF THE PROPERTY AND POSITION OF  
EXISTING STRUCTURE - DEFINITION OF SIDE AND  
FRONT OF THE STRUCTURE PLACED. THIS WILL ALLOW  
DISCUSS AND ADD ADDITION OF STUDY AND KIDS BEDROOM...

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☐ Is not included in the publication indicated above.

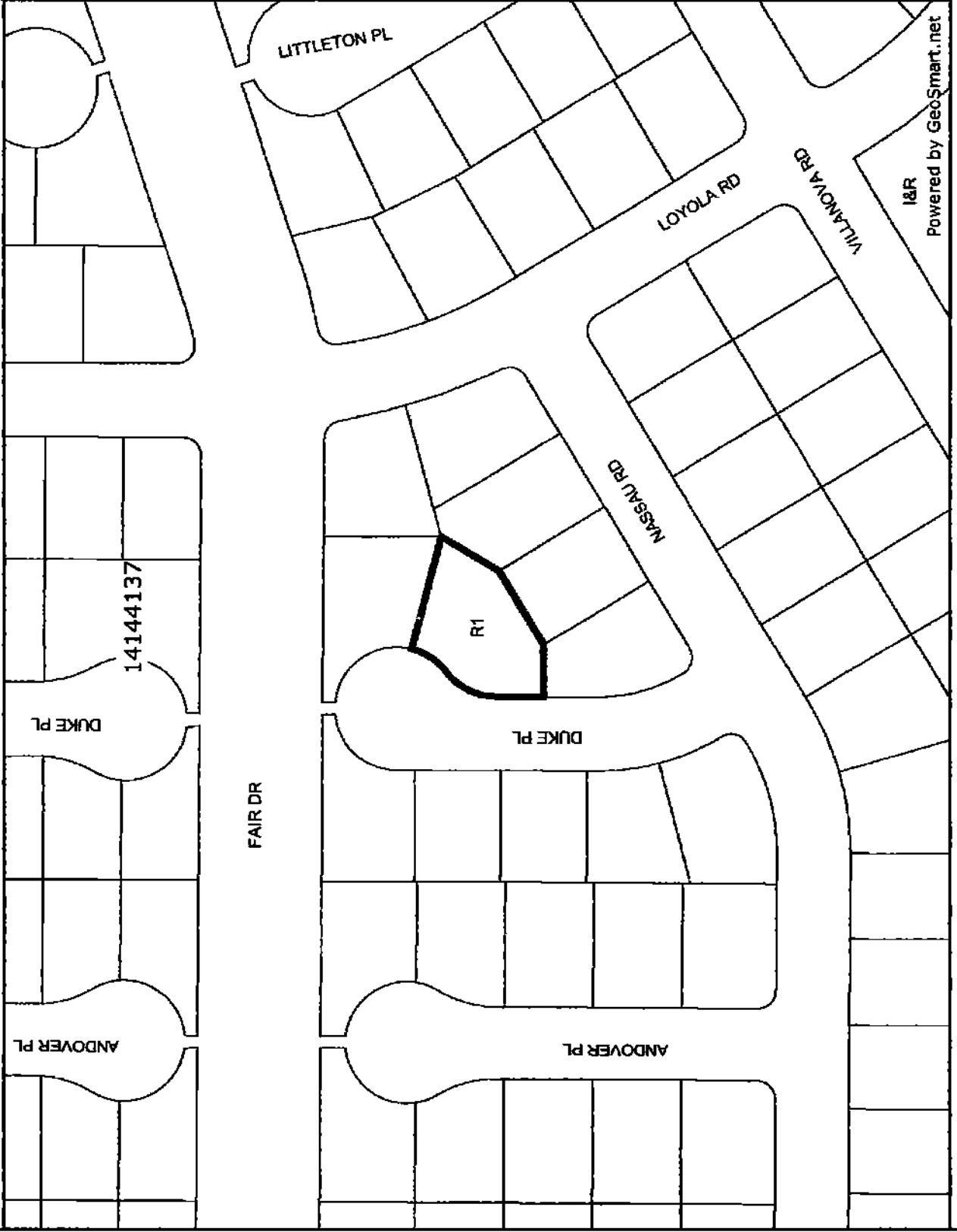
☐ Is included in the publication indicated above.

X  
Signature

X  
Date

# ZONING/LOCATION MAP

2440 Duke Place



## Legend

- ☐ Selected Features
- Street Names
- Parcel Lines
- City Boundary
- Zoning
  - AP
  - C1
  - C1-S
  - C2
  - CL
  - I&R
  - I&R-S
  - HG
  - MP
  - P
  - PDC
  - PDI
  - PDR-HD
  - PDR-LD
  - PDR-MD
  - PDR-NCM
  - R1
  - R2-HD
  - R2-MD
  - R3
  - TC
- Parcels



# AERIAL PHOTOGRAPH

2440 Duke Place



## Legend



Selected Features

Street Names

Parcel Lines

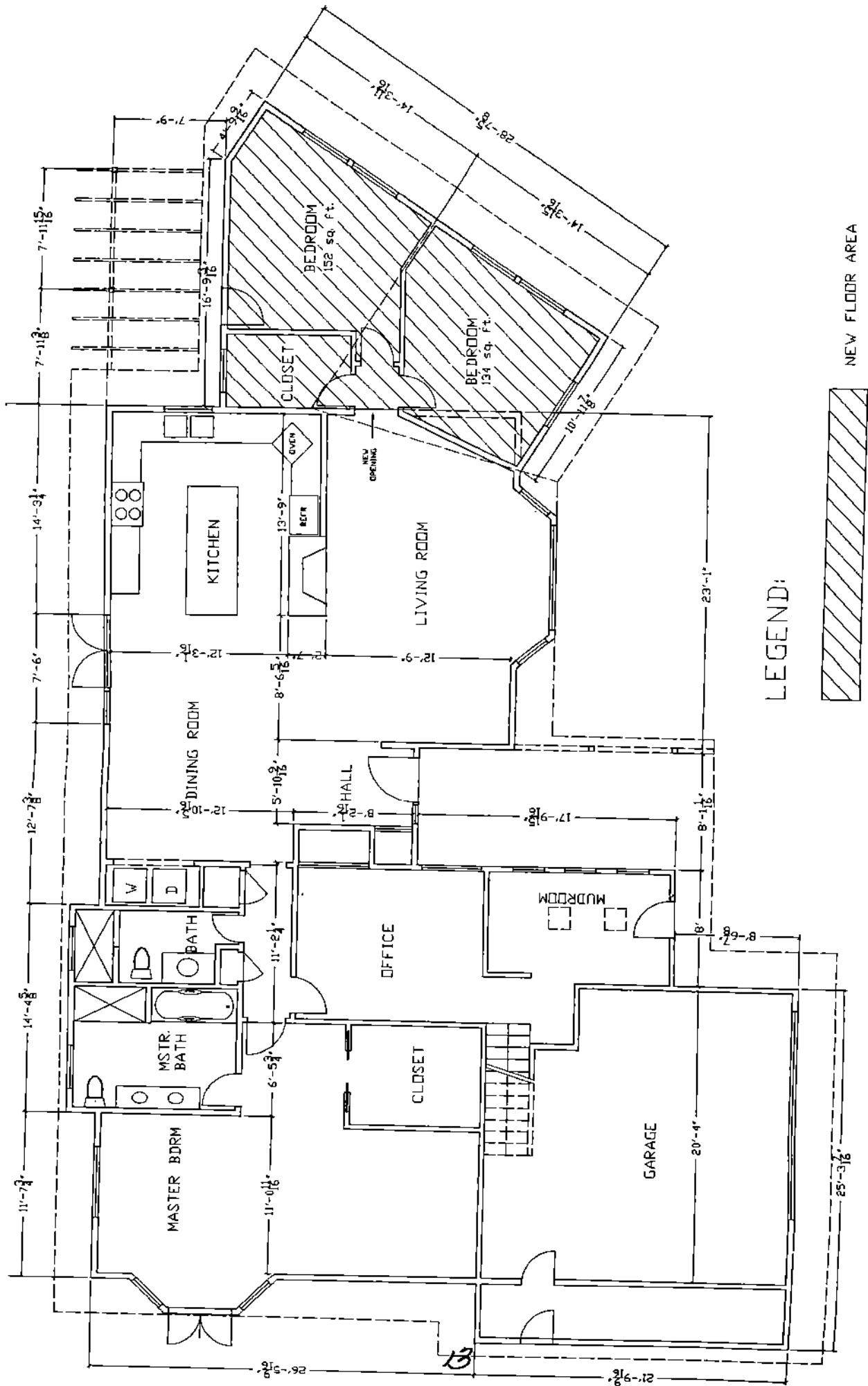
City Boundary

Ortho Photography

Parcels



DUKE  
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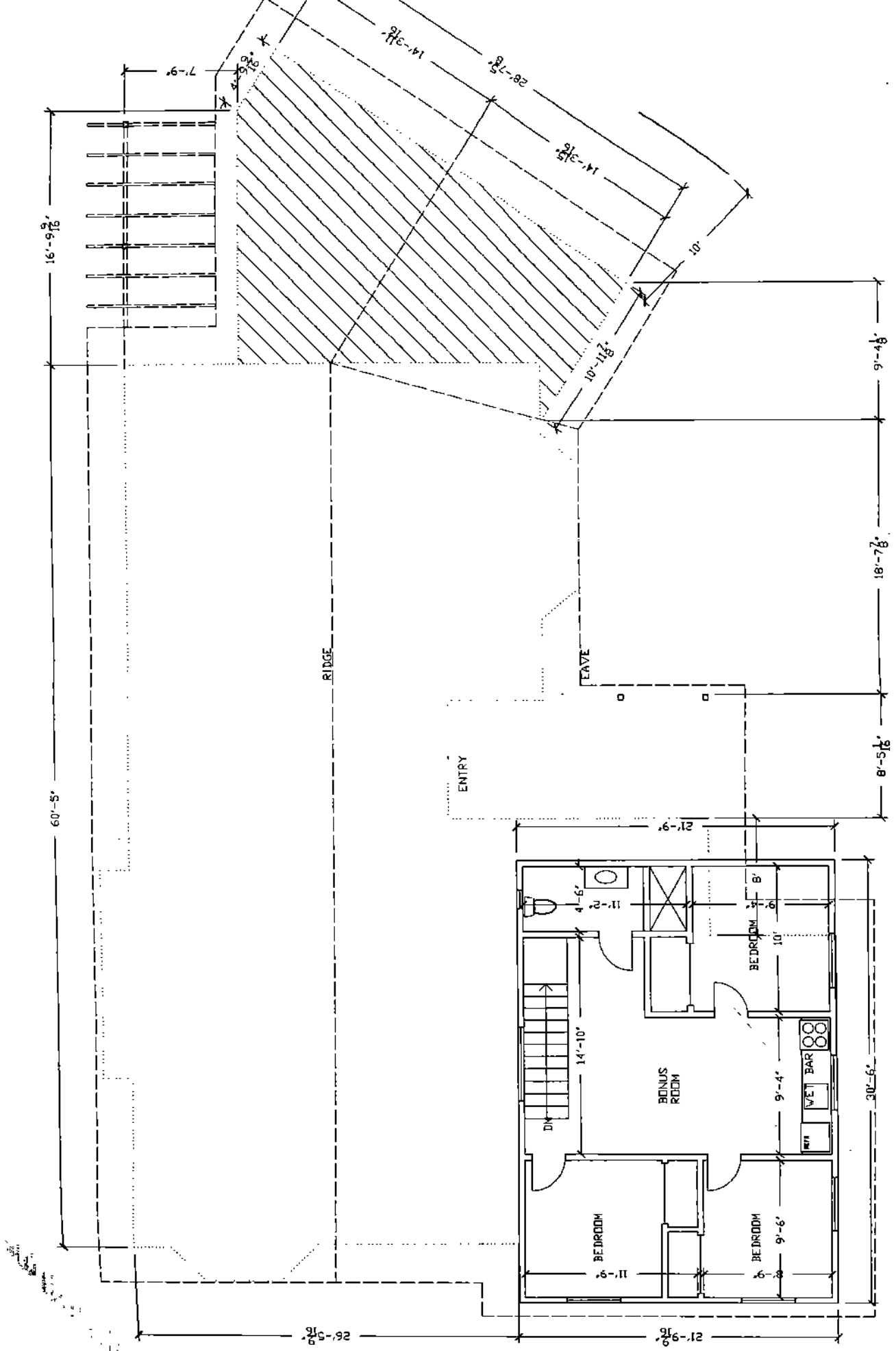
LEGEND:



NEW FLOOR AREA

AT

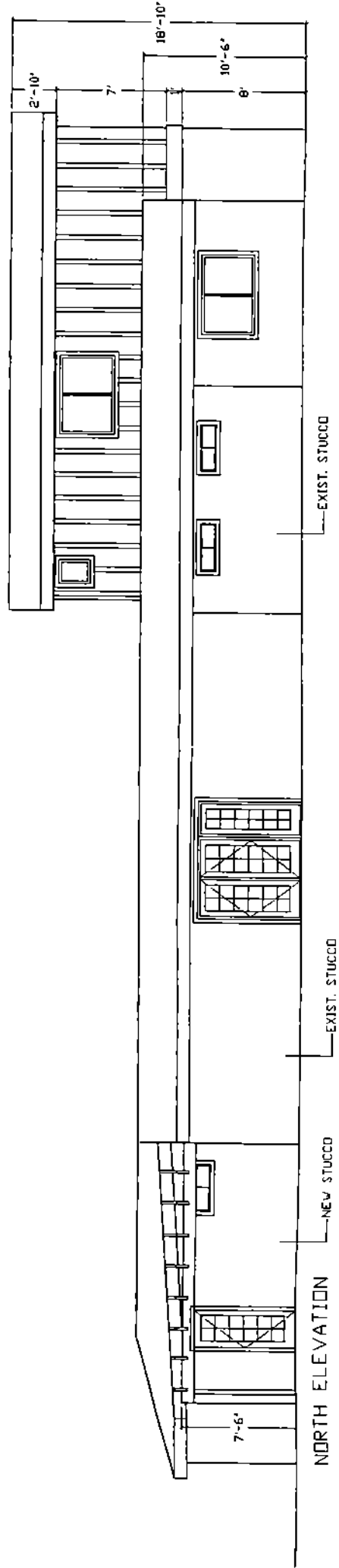
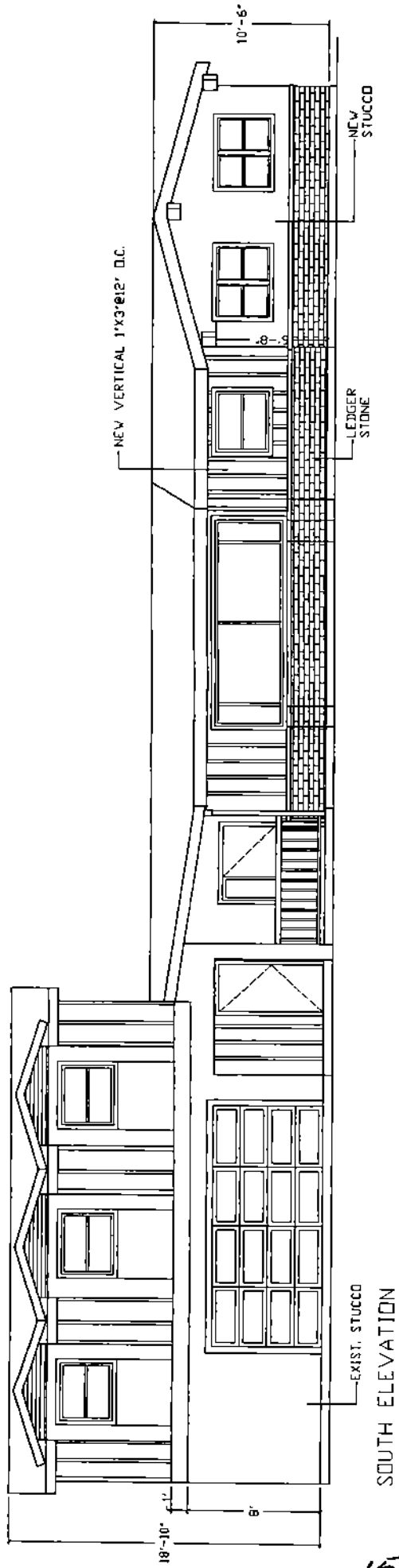
PA-06-03



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SECOND FLOOR

PA-06-03



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